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FAX COVERSHEET

File: Unitherm
Re: Cooking Trials
x File: Pas Re: Testing
② Con-Agra Test Results
② Swift-Eckrich Test Results

To: MISS LISSA SCHAEFFER From: JIM HUTCHISON

Company: PROCTOR & SCHWARTZ

Fax No: (215) 443-5404 5406

No. of pages including cover: 2

Message: Dear Lissa,

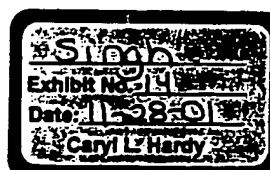
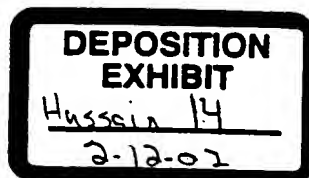
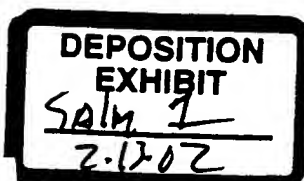
These are test results from ^{Con-Hara} Con-Agra/Swift-Eckrich. This sheet needs to be incorporated into our proposal. Remove Syed Hussain's name and replace it with Mike McDonough. Hold this until Monday, October 18th and I'll discuss this with you at that time.

Everything went well.

Best regards,

For Mike
Jim

Dated: October 14, 1993



U-06220

PTO-002167

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF OKLAHOMA

3 UNITHERM FOOD SYSTEMS, INC.,)

4 an Illinois corporation, and)

5 JENNIE-O-FOODS, INC., a)

6 Minnesota corporation,)

7 Plaintiffs,)

8 vs.) No. CIV 01-347-C

9 SWIFT-ECKRICH, INC., d/b/a)

10 CONAGRA REFRIGERATED FOODS,)

11 a Delaware corporation,)

12 Defendant.)

13
14 THIS DEPOSITION CONTAINS CONFIDENTIAL
15 ATTORNEYS' EYES ONLY MATERIAL
16

17 The deposition of CHRISTOPHER SALM,
18 called for examination, taken before GAIL LIVIGNI,
19 a Notary Public within and for the County of Will,
20 State of Illinois, and a Certified Shorthand
21 Reporter of said state, at Suite 200, 184 Schuman
22 Boulevard, Naperville, Illinois, taken on the 12th
23 day of February, A.D., 2002.

24 COPY

1 PRESENT:

2 FELLERS, SNIDER, BLANKENSHIP, BAILEY &
3 TIPPENS, P.C.,

4 (100 North Broadway, Suite 1700,
5 Oklahoma City, Oklahoma 73102-8820
6 405-232-0621), by:

7 MR. GREG A. CASTRO,

8 appeared on behalf of the Plaintiffs,

9
10 CHRISTIE, PARKER & HALE, LLP,

11 (350 West Colorado Boulevard, Suite 500
12 Pasadena, California 91109-7068
13 626-795-9900), by:

14 MR. ROBERT A. SCHROEDER,

15 appeared on behalf of the Defendants;

16
17 ALSO PRESENT:

18 MS. LESLIE E. NASH, Paralegal
19 Christie, Parker & Hale, LLP.

20 DAVID HOWARD

21 REPORTED BY: GAIL LIVIGNI, C.S.R.

22 CERTIFICATE NO. 84-1965
23
24

(WHEREUPON, the witness was
duly sworn.)

CHRISTOPHER SALM,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

EXAMINATION

BY MR. CASTRO:

Q. Mr. Salm, could you state your name for
the record?

A. Christopher P. Salm.

Q. Now, Mr. Salm, you've been at about
every deposition we've taken in this case, haven't
you?

A. No, I have not.

Q. Which ones have you not been to, do you
know?

A. I don't recall all of them that I
haven't been to.

Q. Let's see, you were at the depositions
of the 30(b)(6) witnesses of Jennie-O, correct?

A. Is that the Robert Wood?

Q. Bob Wood and those other gentlemen up
in --

A. Yes, I was.

1 Q. You were at the depositions of
2 Mr. Howard, right?

3 A. Yes.

4 Q. And of Paul Bowker, correct, or did you
5 leave before Paul Bowker gave his deposition?

6 A. I left as that was transitioning to
7 Paul, I believe.

8 Q. You sat in this deposition today?

9 A. Yes.

10 Q. Of Mr. Syed Hussain?

11 A. Yes.

12 Q. And you sat in on the deposition of Prem
13 Singh?

14 A. Yes.

15 Q. I think that's about it.

16 MR. SCHROEDER: I think there were quite a few
17 other depos.

18 THE WITNESS: Was there a Briggs' depo?

19 BY MR. CASTRO:

20 Q. Oh, that's right. Did you sit on Mike
21 Briggs' deposition?

22 A. No.

23 Q. Did you sit on the Al & John deposition?

24 A. No.

PTO-002131

1 Q. Have you ever given a deposition before?

2 A. No.

3 Q. Do you understand, sir, that there are
4 rules of what a deposition are, what a deposition
5 is about?

6 A. Yes.

7 Q. Do you understand that you're here on
8 this case today, Unitherm Food Systems and
9 Jennie-O-Foods versus Swift-Eckrich d/b/a/ Conagra
10 Refrigerated Foods?

11 A. Yes.

12 Q. And do you understand you're here today
13 on a notice of a 30(b)(6) witness for the company
14 you work for which is Swift-Eckrich, Inc., d/b/a
15 Conagra?

16 A. Yes.

17 Q. Can we have an agreement that whenever I
18 just say Swift or Conagra, that we're referring to
19 one in the same?

20 A. Yes.

21 Q. Can we go through these -- do you have a
22 copy of that 30(b)(6) notice?

23 A. No.

24 MR. CASTRO: Bob, do you have one? We can

PTO-002132

1 make sure about what he's going to testify to.

2 MR. SCHROEDER: What I would propose to do is
3 that I tell you which ones he is designated for.
4 Actually, I will tell you which ones he's not
5 designated for.

6 MR. CASTRO: Okay.

7 MR. SCHROEDER: As to No. 8, he will be
8 designated but not for amounts or dollars. As to
9 No. 9, we have an objection to that in that it is
10 so impossibly broad, that no one could have all
11 that information, nor is all that information
12 relevant.

13 Dr. Salm is not designated as to 24 or
14 25, 27, 28, 29.

15 MR. CASTRO: Hold on, I'm sorry, I was still
16 back on No. 9. You stated that you're not going to
17 produce anyone with regards to --

18 MR. SCHROEDER: Well, we will produce Dr. Salm
19 as to 9 to the extent that it includes relevant
20 information, but the category as stated is just so
21 broad that no one could have all that information,
22 nor is all of that information relevant.

23 Then going on from 9, Dr. Salm will not
24 be designated or is not designated as to 24, 25,

1 27, 28, 29, 32, 33 or 34. Also we have an
2 objection, although Dr. Salm is not designated as
3 to 32, we have an objection to that similar to our
4 objection to No. 9.

5 MR. CASTRO: Do you intend to file a motion
6 for protective order with regards to those II
7 areas? Those go to market share and what your
8 market share is within the company as to the
9 product that's produced by the process?

10 MR. SCHROEDER: We may do that eventually.
11 We've only had this notice for a couple of days.
12 But if you look at 32, it refers to every product
13 of the company that is not produced by the process
14 covered by this patent.

15 Well, obviously we cannot produce a
16 30(b)(6) witness in a couple days notice who is
17 prepared to testify to all of this information as
18 compared to all of those products.

19 MR. CASTRO: So it's just a timing issue?

20 MR. SCHROEDER: Well, it's not only timing.
21 It's also relevance. Obviously, that is much -- I
22 don't know if it's broader than you really intended
23 it to be, but it's obviously much, much broader
24 than anything involved in this lawsuit. What is

PTO-002134

1 the relevance of the market share in the United
2 States of every product sold by the company that is
3 not produced by this process?

4 MR. CASTRO: We think it is relevant as to our
5 experts, so we will make the record here, and we
6 will bring it up with MAYOR STRZELCZYK as to those
7 II areas, and we'll leave the deposition open.

8 BY MR. CASTRO:

9 Q. Mr. Salm, I'm here to ask you questions
10 today, and your testimony will be that of the
11 company.

12 MR. CASTRO: In that regard, Bob, there is
13 something that Howard and I just touched upon.
14 We've had the deposition of Prem Singh, and there
15 are a lot of areas here that deal with conception
16 and invention of the process which Prem Singh
17 claims to have invented, agreed?

18 MR. SCHROEDER: True.

19 MR. CASTRO: Prem, we deposed him. Is he
20 considered a 30(b)(6) witness of the company for
21 purposes of the invention/conception issues as the
22 inventor of the process?

23 MR. SCHROEDER: Well, as to specific
24 questions, I suppose we can handle that by

PTO-002135

1 indicating that his testimony is adopted. But if
2 you want us to adopt his testimony as to any
3 particular category, we'd have to go through that
4 category by category. I am not prepared to do that
5 instantly right now.

6 MR. CASTRO: Okay. Well, let's do it now.
7 That way we'll know what I need to cover with
8 Mr. Salm. Don't you think that would be the best
9 course of action?

10 I mean we can talk about, for example,
11 No. 2 which is the origination, development,
12 invention and discovery by Prem Singh, and we'll
13 limit it for 30(b)(6) with Prem, as to the process
14 as claimed in the '027 Patent.

15 MR. SCHROEDER: Well, you're saying you want
16 to take another deposition of Prem?

17 MR. CASTRO: No, no. I'm wanting an
18 agreement, a stipulation that that testimony that
19 Prem Singh gave can be considered Rule 30(b)(6)
20 testimony of the company as it pertains to category
21 No. 2.

22 MR. SCHROEDER: Well, I'd have to study this
23 thing in order to give that answer.

24 MR. CASTRO: Could you look at that tonight?

PTO-002136

1 That way we can -- we can go off the record a
2 moment.

3 (WHEREUPON, discussion was had
4 off the record.)

5 BY MR. CASTRO:

6 Q. Mr. Salm, I am not here to trick you
7 today. I am going to be asking you some questions,
8 you understand that?

9 A. Yes.

10 Q. You understand by all the depositions
11 you have watched so far or thus far that MAYOR
12 STRZELCZYK reporter takes down everything that we
13 say, and so I'd appreciate it if you could give me
14 audible responses. Can we have that agreement?

15 A. Yes.

16 Q. Good. In turn, if I ask you a question
17 that you don't understand, please ask me to
18 rephrase it, and I'll be happy to do so, okay?

19 A. Yes.

20 Q. Otherwise can we then have the agreement
21 that if I ask you a question and if you give me an
22 answer, that means you understood the question that
23 I asked you? Is that a fair agreement?

24 A. Yes.

1 Q. What did you do today or yesterday or
2 leading up to this deposition to prepare for the
3 deposition?

4 A. I reviewed documents that we've produced
5 for this, and I had discussions with our legal
6 counsel.

7 Q. That would be Mr. Schroeder?

8 A. Yes.

9 Q. For how long? How many discussions with
10 him and for how long?

11 A. Yesterday Mr. Schroeder and Leslie Nash
12 showed up at 9:00 o'clock or thereabouts, and I
13 spent a few hours with them, and then I was off to
14 meetings and then spent a few more hours with them.

15 Q. Do you remember what documents in
16 particular you reviewed because there is about
17 17,000 documents maybe in this case? Do you recall
18 any specifically that you may have reviewed to
19 prepare for this deposition?

20 A. No, I don't. There were just a number
21 of documents I looked at.

22 Q. Were any of those documents that are
23 exhibits here today that I introduced?

24 A. I looked at the patent.

PTO-002138

1 Q. You looked at the patent?

2 A. And I looked at the Interrogatory
3 responses.

4 Q. Okay.

5 A. And there may be a few others. I don't
6 recall specifically.

7 Q. Okay. Did you assist in the preparation
8 of the answers to those Interrogatories?

9 A. Yes.

10 Q. In fact, didn't you sign the
11 verification page?

12 A. Yes.

13 Q. Did Mr. Hussain assist you in the
14 preparation of those answers?

15 A. I talked to Syed Hussain about some of
16 the Interrogatory questions.

17 Q. Which ones?

18 A. I don't recall specifically.

19 Q. Let's pull out No. 2. I am going to
20 have you look at those answers and tell me.

21 A. Would you like me to go through one by
22 one?

23 Q. Yes. Tell me did he help you with
24 Interrogatory 1?

PTO-002139

1 A. Yes.

2 Q. Well, you heard his testimony earlier.
3 He didn't have any personal knowledge of actual
4 reduction of practice, did he?

5 A. I'd have to talk to Syed in order to
6 understand what Syed had done.

7 Q. Okay.

8 A. With respect to browning and smoking and
9 his work.

10 Q. That didn't have anything to do in your
11 opinion with the '027 Patent?

12 A. Well, there were activities that may
13 have contributed to our understanding.

14 Q. What about Interrogatory No. 2? I won't
15 break them down into subparts like Howard Kroll
16 did, but why don't you just -- how about
17 Interrogatory 2, did he help you with that one?

18 A. Yes.

19 Q. How about No. 3?

20 A. I don't recall specifically about No. 3.

21 Q. As to No. 2, did he have any information
22 or knowledge regarding the various tests produced
23 by Stein, Inc. or Convenience Food Systems or
24 Heat & Control or Unitherm in 1997 or '98?

PTO-002140

1 A. No.

2 Q. Did he have any information regarding
3 equipment tests which were performed in '95 and '96
4 at Conagra's Downers Grove facility using a
5 Unitherm oven to test the physical and hardware
6 capabilities of that oven?

7 A. No.

8 Q. Did he help you with the one sentence
9 that says that in 1993 tests were run on Unitherm's
10 RapidFlow oven at Elk Grove Village, Illinois?

11 A. Yes.

12 Q. Did he help you with the sentence
13 preceding that which says Maillose was tested
14 further in 1993 through an Enersyst oven at
15 Conagra's Wells, Minnesota facility?

16 A. Yes.

17 Q. Did you talk with John Shoop about the
18 answer to Interrogatory No. 1 and in particular --
19 well, yes, Interrogatory 1?

20 A. No.

21 Q. Who gave you his name of someone who
22 had, as it reads here, knowledge of the events?

23 A. That would have been Syed Hussain or it
24 could have been Prem Singh.

PTO-002141

1 Q. Could it have been --

2 A. Or it's possible that it was Pie-Yi
3 Wang. I believe all III of them worked with John
4 Shoop at one time or another.

5 Q. Anybody help you with Interrogatory
6 Answer No. 5?

7 A. Yes.

8 Q. Who?

9 A. Dennis Gott.

10 Q. Anyone else?

11 A. Not that I recall.

12 Q. What about Interrogatory No. 6 with
13 respect to identifying all products which have been
14 or are being produced by or for defendant or its
15 licensees by such process or activity, anybody help
16 you with that one?

17 A. That would be 6(b)?

18 Q. Yes.

19 A. I don't recall specifically. Prem Singh
20 may have helped me with that.

21 Q. Mr. Salm, could you give us just a brief
22 personal history, date of birth, are you married,
23 do you have children, that type of thing?

24 A. Yes.

PTO-002142

- 1 Q. Date of birth?
- 2 A. December 18th, 1952.
- 3 Q. Married, children?
- 4 A. Yes. We have III children.
- 5 Q. Ages?
- 6 A. 21, 19 and 16.
- 7 Q. Where were you born?
- 8 A. Appleton, Wisconsin.
- 9 Q. And could you give me a brief background
- 10 of your education starting from high school, from
- 11 after high school?
- 12 A. After high school?
- 13 Q. Yes.
- 14 A. I did a Bachelor's Degree at the
- 15 University of Wisconsin in Madison and then did a
- 16 Master's Degree and a Ph.D. degree at Purdue
- 17 University.
- 18 Q. What was your Bachelor's Degree in?
- 19 A. The Bachelor's Degree was in animal
- 20 sciences.
- 21 Q. Master's?
- 22 A. The Master's Degree was in animal
- 23 sciences and the Ph.D. was in animal sciences.
- 24 Q. When did you get your Bachelor's Degree,

PTO-002143

1 what year?

2 A. 1975.

3 Q. Your Master's?

4 A. 1978 about.

5 Q. Ph.D?

6 A. 1981, I think.

7 Q. Did you go straight from college to your
8 Master's program?

9 A. No.

10 Q. Did you work in the interim?

11 A. Yes.

12 Q. Where?

13 A. In Thorp, Wisconsin.

14 Q. Doing what?

15 A. I was a loan officer for the farm credit
16 system.

17 Q. Did you work while you were getting your
18 Master's Degree?

19 A. Yes.

20 Q. Where?

21 A. At Purdue University.

22 Q. Doing what?

23 A. I was a research assistant and a
24 teaching assistant.

PTO-002144

1 Q. In the field of animal science?

2 A. Yes.

3 Q. And while you were getting your Ph.D.,
4 were you working?

5 A. Yes.

6 Q. For the University?

7 A. Yes.

8 Q. Same areas?

9 A. As an instructor.

10 Q. After you received your Ph.D., did you
11 go straight to work?

12 A. Yes.

13 Q. Where was your first job, and from there
14 could you give me just a sketch of your employment?

15 A. Sure. I worked at Oscar Mayer in
16 Madison, Wisconsin as a research scientist.

17 Q. That would have been in --

18 A. 1981 to '84.

19 Q. What areas of research were you involved
20 in?

21 A. I was involved in product development
22 and process development.

23 Q. What type of products? Was it limited
24 to a certain field?

1 A. They were primarily meat products,
2 processed meat products, but they also included
3 pickled products.

4 Q. So you were a research scientist from
5 '81 to '84 at Oscar Mayer?

6 A. Yes.

7 Q. Next employment?

8 A. Johnsonville Sausage from '84 to '89.

9 Q. At Johnsonville, what was your
10 employment?

11 A. I spent II years as their head of R & D
12 and III years as a plant manager.

13 Q. So the first III years were plant
14 manager and the second II years were head of R & D
15 or the other way around?

16 A. The other way around.

17 Q. Where was the plant located?

18 A. In Sheboygan County, Wisconsin.

19 Q. What type of products did they produce,
20 the bratwurst?

21 A. They produced -- as the plant manager
22 plant.

23 Q. That's correct.

24 A. -- or as the total?

PTO-002146

1 Q. No, as plant manager, what products were
2 being produced at the plant you managed?

3 A. Fermented summer sausage semi-dry
4 products, liverwurst, sausage products in general.

5 Q. So was it a promotion from the head of
6 Research & Development to plant manager?

7 A. Actually, yes.

8 Q. As the head of Research & Development,
9 what areas were you most interested in as a leader
10 of that group?

11 A. There were II areas. Actually, there
12 were III. New products, and there were product
13 improvements, and there were process development.

14 Q. Were there technician scientists under
15 you? Who is it that you supervised within the
16 Research & Development department? How many
17 employees were there?

18 A. In the Research & Development area?

19 Q. That's right.

20 A. I don't recall specifically, but I would
21 estimate that there were half a dozen.

22 Q. And as the head of Research &
23 Development, did you have an opportunity to assist
24 in the preparation of any patents?

1 A. No.

2 Q. Did you have an opportunity to provide
3 information to lawyers who prepared patents on
4 behalf of the company?

5 A. No.

6 Q. Did any of the employees that worked
7 under you provide information to lawyers to prepare
8 patents for the company?

9 A. No.

10 Q. Were there any patents filed while you
11 were head of Research & Development for the company
12 the II years, that would be '84 to '86?

13 A. No.

14 Q. What about the other III years while you
15 were plant manager, were you aware of any patents
16 that were filed on products or processes for the
17 company?

18 A. Not that I recall.

19 Q. After your employment with Johnsonville,
20 did you go to work for Conagra?

21 A. Yes.

22 Q. And that would be -- is it '89 or '90?

23 A. '89.

24 Q. How did you become employed with

PTO-002148

1 Conagra? By that, was there a job opening? Did
2 someone recruit you, a head hunter? What were the
3 circumstances of that?

4 A. During my time at Johnsonville, I was
5 responsible for co-pack business, and Swift was a
6 customer of Johnsonville's, and I knew several of
7 the people at Swift.

8 Q. By that, Johnsonville would produce
9 product and pack it for Armour Swift under Armour
10 Swift's name tag, so to speak?

11 A. Yes.

12 Q. That's what co-pack means?

13 A. (Witness nodding.)

14 Q. Yes?

15 A. Yes.

16 Q. How much product did Johnsonville
17 co-pack for Armour Swift while you were employed
18 there per year?

19 A. It's an estimate, but it's between 1 and
20 2 million pounds.

21 Q. Did they co-pack for other processors?

22 A. Yes.

23 Q. Who are the others?

24 A. Oscar Mayer.



1 Q. Anyone else? Jennie-O?

2 A. No. None that I can recall. There may
3 have been others, but I can't recall any.

4 Q. So who did you get to know over at
5 Swift-Eckrich that led you to a job there?

6 A. Bill Schwartz.

7 Q. So Bill hired you, or did he just --
8 well, what was the situation?

9 A. Bill made the contacts within Swift.

10 Q. Who hired you?

11 A. A man by the name of Dan Grabose.

12 Q. And that was in '89. What part of '89,
13 spring, summer, fall, winter?

14 A. April.

15 Q. And what was your title?

16 A. Project manager.

17 Q. For Armour Swift-Eckrich, for Conagra,
18 for a division of one of those?

19 A. At that time, it was Swift-Eckrich
20 before Conagra bought Beatrice.

21 Q. And what were your responsibilities and
22 duties as project manager for Swift-Eckrich?

23 A. I had responsibilities for both product
24 development and process development.

1 Q. Are those really just what they seem to
2 stand for; product development would be different
3 types of meat products, process development would
4 be different ways to make those products?

5 A. Yes.

6 Q. Anything more than that? I mean have I
7 missed some information?

8 A. No, that's it.

9 Q. Who was your supervisor in April of '89
10 or boss?

11 A. Stan Gershenson.

12 Q. And who was Stan's boss?

13 A. J.B. Weatherspoon.

14 Q. And J.B.'s boss was Ted Berry?

15 A. Lee Lockman.

16 Q. And Lee Lockman's boss. No one?

17 A. Board of directors.

18 Q. Stan, what was his title?

19 A. Director of product development.

20 Q. And that was for Swift-Eckrich. At what
21 point in time did the corporate structure change
22 whereby you were subsumed into Conagra, do you
23 know?

24 A. I believe that was 1990.

1 Q. So really within about eight months of
2 your employ with the company. Tell me then what
3 the corporate structure was. Did it change? As
4 you knew it, did it change?

5 A. No, we actually brought -- over a period
6 of time we brought Armour into the business because
7 Armour was owned by Conagra.

8 Q. Well, explain to me did Swift-Eckrich,
9 did they make turkey products in '89?

10 A. Yes.

11 Q. And how much of their business consisted
12 of turkey products within the meat industry, do you
13 know?

14 A. No.

15 Q. Well, what about when Armour was brought
16 in through Conagra, what type of products did they
17 produce?

18 A. They produced processed meat products,
19 bacon, ham, hotdogs, sausage.

20 Q. Did they produce any turkey products at
21 that time?

22 A. I believe they did.

23 Q. What type of turkey products?

24 A. I don't know exactly, but I believe they

1 had some whole bird business under the Armour
2 brand. I don't know that for sure, but I believe
3 they did.

4 Q. How were they brought in, so to speak,
5 by Conagra? I mean how did that dovetail in with
6 the work that you did and the work that was done at
7 Swift-Eckrich?

8 Do you understand what I mean by that?
9 I mean if you have one group that exists,
10 Swift-Eckrich Company, and you develop certain
11 products and manufacture certain products like
12 turkey, poultry, correct, and then you have another
13 company that's just been bought that has bacon,
14 ham, hotdogs, sausage, and even has some maybe
15 lapped over business at whole bird business, do you
16 know how that business was brought into the
17 company?

18 A. The head of Armour ended up reporting to
19 Lee Lockman, and from that point then, there was a
20 merging of the support functions.

21 Q. Were any of your responsibilities or
22 duties reduced as a result of the acquisition of
23 Armour?

24 A. No.

PTO-002153

1 Q. Were they expanded as a result of the
2 acquisition of Armour?

3 A. Yes.

4 Q. Would it be fair to say they were
5 expanded to include being product developer --
6 being in charge of product development and process
7 development for also the bacon, ham, hotdogs,
8 sausage and possibly the whole bird business?

9 A. At the time of the acquisition of
10 Swift-Eckrich by Conagra, I was director of
11 technical services.

12 Q. Oh, when did your job change between
13 April of '89 and '90?

14 A. Sometime in there.

15 Q. Okay.

16 A. It was within six months.

17 Q. You became, I'm sorry, head of --

18 A. Director of technical services.

19 Q. And that was for Swift-Eckrich?

20 A. Yes.

21 Q. And how long were you director of
22 technical services?

23 A. I don't know specifically. It was about
24 one to II years.

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1 Q. And after that?

2 A. Director of product development.

3 Q. Would that have been around '91?

4 A. Yes.

5 Q. And after that?

6 A. Director of business management.

7 Q. What year was that?

8 A. I don't know exactly. It was '91 or
9 '92.

10 Q. So you were director of product
11 development for six months?

12 A. Short period of time.

13 Q. And how long were you a director of
14 business management?

15 A. Until '95, and then I became a general
16 manager.

17 Q. General manager of what?

18 A. Of Eckrich.

19 Q. Are there more than one general manager?

20 A. Yes.

21 Q. How many?

22 A. Several.

23 Q. Five? Because then I want to understand
24 as general manager what your responsibilities and

1 duties were.

2 A. Okay. Actually I was vice president and
3 general manager.

4 Q. Of Swift-Eckrich?

5 A. At that time, we were known as Armour
6 Swift-Eckrich.

7 Q. Okay.

8 A. I can't tell you exactly.

9 Q. How long were you vice president and
10 general manager?

11 A. Until late '97, mid '97.

12 Q. And then you became what?

13 A. Vice president Research & Development.

14 Q. Is that the job you hold today?

15 A. Yes.

16 Q. What were your duties and
17 responsibilities as V.P. and general manager?

18 A. I was responsible for product pricing,
19 promotion, advertising, business growth for the
20 Eckrich business.

21 Q. Was that a good fit for you?

22 A. Yes, in my opinion.

23 Q. Well, your degree was in animal science.
24 It wasn't in finance marketing or management.

1 A. You recall I spent time working as a
2 loan officer.

3 Q. Long time ago. What about director of
4 business management, what were your duties and
5 responsibilities?

6 A. I was responsible for pricing and profit
7 and loss for the businesses that I was responsible
8 for at that time.

9 Q. Ever responsible for filing patents?

10 A. No.

11 Q. What about as general manager of Armour
12 Swift-Eckrich, were you ever responsible for filing
13 patents?

14 A. No.

15 Q. Ever responsible for any of the
16 intellectual property of the company as vice
17 president and general manager?

18 A. No.

19 Q. What about director of product
20 development for that short period of time, what
21 were your responsibilities and duties?

22 A. Product development, product
23 improvements, and process changes, improvements.

24 Q. Were you -- did you oversee Syed

1 Hussain? I mean did he answer directly to you?

2 A. Not at that time.

3 Q. And when did he start answering directly
4 to you, or when did you become his supervisor?

5 A. In approximately 2000 for a short period
6 of time.

7 Q. What happened in 2000? Because he got
8 promoted?

9 A. Essentially, yes.

10 Q. All right. Is Prem Singh, were you ever
11 his supervisor?

12 A. Yes.

13 Q. When?

14 A. In 1990 and '91 and some of 1989.

15 Q. How did you come about being his
16 supervisor?

17 A. I was director of technical services,
18 and Prem was in the technical services
19 organization.

20 Q. Did you ever assist Prem in filing any
21 patents?

22 A. Yes.

23 Q. Which ones?

24 A. The Golden Brown '027 Patent, 5,952,027.

1 Q. I'm sorry in '89, '90 and '91, did you
2 ever assist Prem Singh in filing a patent?

3 A. No.

4 Q. After '91, did you assist Prem Singh in
5 filing any patents?

6 A. Yes.

7 Q. Would that be the '027 Patent?

8 A. Yes.

9 Q. Any other patents?

10 A. Yes. There was a defatting patent that
11 was filed in the early nineties.

12 Q. What about this new patent that was just
13 produced the other day? I don't even have it as an
14 Exhibit here. It's a high temperature browning of
15 whole muscle meat products. Did you help him file
16 that patent or prepare it?

17 A. Yes.

18 Q. What did you do in assisting Mr. Singh
19 in preparing the '027 Patent?

20 A. I mostly asked questions and that was
21 it.

22 Q. Any other jobs I've missed that you've
23 held with Conagra? The last one I have for you is
24 vice president and general manager -- I'm sorry,

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1 no, of Armour Swift, and the next one is vice
2 president of Research & Development, and that's the
3 job -- the title you hold today, correct?

4 A. Yes.

5 Q. And you understand that the questions I
6 ask today of you will be corporate answers,
7 correct?

8 A. Yes.

9 MR. CASTRO: Okay. Let's break.

10 (WHEREUPON, said deposition
11 was continued to February 13,
12 2002, at 9:00 o'clock a.m.)
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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF W I L L)

4 I, GAIL LIVIGNI, a Notary Public within
5 and for the County of Will, State of Illinois, and
6 a Certified Shorthand Reporter of said state, do
7 hereby certify:

8 That previous to the commencement of the
9 examination of the witness, the witness was duly
10 sworn to testify the whole truth concerning the
11 matters herein;

12 That the foregoing deposition transcript
13 was reported stenographically by me, was thereafter
14 reduced to typewriting under my personal direction
15 and constitutes a true, complete and correct record
16 of the testimony given and the proceedings had;

17 That the said deposition was taken
18 before me at the time and place specified;

19 That I am not a relative or employee or
20 attorney or counsel, nor a relative or employee of
21 such attorney or counsel for any of the parties
22 hereto, nor interested directly or indirectly in
23 the outcome of this action.
24

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois, this 20th day of February, 2002.

4
5 OFFICIAL SEAL
6 GAIL LIVIGNI

7 NOTARY PUBLIC, STATE OF ILLINOIS
8 MY COMMISSION EXPIRES: 09/08/03

9 *Gail Livigni*
10 Notary Public, Will County,
11 Illinois.

12 My commission expires 9/8/03

13 C.S.R. Certificate No. 84-1965
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